

## **Historic, archived document**

Do not assume content reflects current scientific knowledge, policies, or practices.



United States  
Department of  
Agriculture

Animal and  
Plant Health  
Inspection  
Service

# **Animal Welfare Enforcement FY 1982**

Report of the Secretary of Agriculture  
to the President of the Senate and the  
Speaker of the House of Representatives

## REPORT OF 1982 ACTIVITIES

The Secretary of Agriculture annually reports on enforcement and administration of the Animal Welfare Act (7 U.S.C. Sections 2131 et. seq.), as required by section 25 of the act. The present report covers fiscal year 1982, which began October 1, 1981, and ended September 30, 1982.

Section 25 requires that: "This report as well as any supporting documents, data, or findings shall not be released to any other persons, non-Federal agencies, or organizations unless and until it has been made public by an appropriate committee of the Senate or the House of Representatives."

### Summary

Compliance inspections to enforce the Animal Welfare Act during fiscal year 1982 were made at an average rate of 2.3 times per year at 5,895 licensed or registered facilities, excluding registered carriers and intermediate handlers.

Licensees and registrants were counseled on how to correct deficiencies. Legal action was taken against flagrant and chronic offenders.

A total of 101 new cases of apparent violation were forwarded for prosecution after thorough investigation. 41 were resolved through administrative procedures involving monetary penalties, license suspensions or revocations, cease-and-desist orders, or a combination of these. Another 95 minor violations were resolved through letters of warning which included a specific deadline for compliance.

Reports were submitted by 885 active, registered research facilities and 131 Federal research facilities. These reports show that 62 percent of federally protected laboratory animals were not exposed to painful or distressing procedures. Another 30 percent received appropriate pain relief.

In 8% no pain relief was provided to avoid interfering with test results. Researchers are required to provide an explanation describing in detail the human and animal benefits received from these experiments.

### Legislation

Animal welfare legislation, as first enacted in 1966 (PL 89-544), regulated trade in dogs and cats procured for laboratory research, as well as dogs, cats, hamsters, guinea pigs, rabbits, and nonhuman primates held by certain research facilities.

Amendments in 1970 broadened coverage to most other warmblooded animals, including those used in research, exhibitions, and the wholesale pet trade. An amendment in 1976 (PL 94-279) extended coverage further, notably over live-animal transportation.

Funding for animal welfare enforcement for fiscal year 1982 was \$4.9 million.

### Regulations

Administration and enforcement of the Animal Welfare Act is assigned to the U.S. Department of Agriculture (USDA). The act requires USDA to develop regulations assuring humane care and treatment of animals. These regulations include minimum standards for handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation of incompatible animals, veterinary care, and transportation.

Birds, laboratory rats and mice, and domestic farm animals are exempted by regulation.

No new regulations were either proposed or implemented during fiscal year 1982. Marine mammal standards, which became effective in 1979, also are being revised and proposed rule-making is expected in 1983. The need for change became apparent when some

effective enforcement of the Animal Welfare Act. They are given on a regional or statewide basis by instructors drawn from specialists inside and outside of APHIS.

During the year, APHIS and Iowa State University produced a 38-minute videotape covering proper inspection of animal facilities. It is used for training APHIS inspectors and animal care personnel of licensees and registrants.

#### Licensing and Registration

Persons subject to the Animal Welfare Act must be licensed or registered by USDA. Lists of licensees and registrants are furnished with this report.

Dealers, operators of auction sales selling dogs and cats, and most exhibitors are required to be licensed and must pay an annual fee. Licenses remain valid until terminated voluntarily by the licensee, revoked or suspended by USDA, or canceled automatically if not renewed when the annual fee is due.

The amount of a license fee is determined by two graduated schedules, one for dealers and another for exhibitors. Dealers (including operators of auction sales) pay between \$5 and \$500; exhibitors, between \$5 and \$100. Collections are deposited in the U.S. Treasury as "miscellaneous receipts." By law, no portion of fees collected are available to USDA.

During fiscal year 1982, \$132,714 in fees was collected from 4,676 license holders.

Research facilities, carriers, and intermediate handlers are required to register; certain exhibitors have the option to register rather than become licensed. Registrations continue in effect until facilities are disbanded or merged with another registrant.

In fiscal year 1982, there were 1,558 registrants, who by law pay no fee.

#### 1. Licensed Dealers

Licensed dealers include breeders, whole-sale pet dealers, operators of auction sales, suppliers of laboratory animals, traders and importers of wild animals, and animal brokers.

In fiscal 1982, there were 3,439 licensed dealers, of which 541 were new licensees (appendix, table 1).

Licenses for 716 dealers were surrendered or canceled by APHIS. The licenses of four dealers were suspended through administrative procedures after APHIS inspectors found serious violations.

#### 2. Carriers and Intermediate Handlers

Most registered carriers are airlines, although railroads, motor carriers, and shipping lines also qualify. Intermediate handlers are enterprises taking custody of animals in connection with their transportation in commerce. In practice, most are kennels that offer airport pickup and delivery service for pets.

In fiscal 1982, 124 carriers and 215 intermediate handlers were registered (appendix, table 1). Included were 11 carriers and 22 intermediate handlers who became new registrants; also one carrier and five intermediate handlers voluntarily terminated their registrations.

#### 3. Animal Exhibitors

Licensed exhibitors operate animal acts, carnivals, circuses, public zoos, roadside zoos, and marine mammal exhibits. Most of the animals exhibited are wild or exotic species, such as lions, tigers, bears, and elephants. However, more docile species are stocked at children's zoos and petting zoos.

has approved the types and amounts of anesthetic, analgesic, or tranquilizing drugs used. The report must show use of the drugs would have interfered with the intended purpose of the research, tests, or experiments if pain relief is not provided. In 1982, APHIS received reports from 1,016 institutions, including 885 registered facilities and 131 Federal research facilities (appendix, table 2). Reports were neither required nor received from 63 inactive research facilities.

Negative reports were filed by 143 research facilities. These reports are not included in the total, so table 2 includes only institutions reporting the use of regulated laboratory animals.

Research facilities reported that 62 percent of the 1,576,556 federally protected animals used in research or experimentation were not exposed to painful or distressing procedures (appendix, tables 3 and 4). Another 30 percent of the animals received appropriate relief from pain through drugs.

Because drugs would have interfered with the testing, 8 percent received no drugs. Researchers are required to provide an explanation describing in detail the human and animal benefits received from these experiments.

APHIS continued its efforts in this fiscal year to reduce the number of research facilities that do not file a timely annual report. Area offices reminded research facilities of the reporting requirement and helped them correct errors and incomplete data. APHIS also investigated the reasons for absent, late, and incomplete reports and filed cases against three registrants who did not file 1981 reports.

As an example of enforcement actions, a college in Massachusetts was ordered to comply with reporting requirements and pay a \$1,000 penalty

for noncompliance. This is the first instance in which a research facility paid a monetary penalty. Other examples are, cease-and-desist orders issued by a Federal administrative law judge on complaints in New Jersey and California institutions who did not file annual reports.

In fiscal year 1982, 0.03 percent of the research facilities did not submit data for inclusion in this report.

### Inspections and Investigations

Central to enforcement of the Animal Welfare Act are various inspections and investigations by APHIS to assure Federal laws, regulations, and standards are followed.

Inspections of all kinds conducted by APHIS in fiscal 1982, totaled 20,979. Officials concentrated on improving the quality of inspections. Teams conducted reinspections at facilities licensed and registered in Illinois, Indiana, Kansas, Maryland, Mississippi, Missouri, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New Jersey, New York, Pennsylvania, and Wisconsin.

#### 1. Inspections of Animals in Transit

Inspections are concentrated at airports with large volumes of animal traffic. Airport inspections permit APHIS to assess compliance by both the carriers and the shippers. The carriers must have facilities and personnel adequate to handle animals. They also must enforce Federal shipping requirements by refusing to accept shipments of live animals in substandard containers.

Compliance by licensed and registered shippers can be monitored effectively by checking the health and condition of animals as they pass through the airport facilities. Inspectors monitor the length of time animals spend

breeders were out of compliance with Federal animal care standards. In March of 1982, HSUS provided documentation to APHIS on 158 cases believed particularly deficient.

APHIS compliance officers evaluated the HSUS findings by comparing them with APHIS inspection records. In 60 cases, onsite inspections were done by a special APHIS inspection team.

APHIS found that 50 of the 158 kennels (about 32 percent) were no longer in business. Another 73 breeders (46 percent) were deemed to be in compliance. The final 35 kennels (22 percent) had one or more deficiencies.

Dealers with newly substantiated deficiencies were given deadlines for corrective action. Where documented records of noncompliance already existed and deadlines were exceeded, cases were prepared for possible prosecution.

#### 5. Prelicensing Inspections

Representatives made 1,340 prelicensing inspections to assure that their facilities, housing, equipment, and programs of veterinary care meet Federal standards.

#### 6. Compliance Inspections

Unannounced inspections are conducted at places of business for all licensees and registrants and the more than 7,000 business sites of individuals who keep regulated animals. Inspectors concentrate on facilities with a history of deficiencies or who operate illegally without a USDA license or registration.

If inspectors find that USDA regulations and standards are not met, they attempt to secure needed corrections. To avoid misunderstandings, deficiencies are noted on an inspection form and a copy given to the licensee or

registrant involved. A time limit is set for making corrections.

Inspectors and their supervisors categorize deficiencies as "major" or "minor." A health or safety hazard to animals--either by sudden change in the operation, neglect, or advanced deterioration in animal care constitute major deficiencies. Deadlines are set for correction of deficiencies with a special effort to reinspect facilities with major deficiencies within 30 days of the deadline.

A total of 19,473 compliance inspections were completed (appendix, table 5). This constitutes an average rate of 2.3 compliance inspections per licensee or registrant, exclusive of inspections at airports and intermediate handlers. Included are reinspections to verify that earlier deficiencies were corrected.

#### 7. Reviews

In fiscal 1982, APHIS conducted 1,088 reviews of individuals in business subject to regulation under the Animal Welfare Act to determine whether they should be licensed or registered (appendix, table 5).

#### Apparent Violations

APHIS conducted 1,017 investigations of apparent violations (appendix, table 5), 217 were considered for legal action and 98 of these were caused by 51 repeat violators.

A breakdown of the violations indicate: 9 percent involved technical infractions, 18 percent dealers and exhibitors operating without a license or registration and 73 percent with violations of the standards for care and treatment of animals.

associations. Such occasions permit APHIS to better acquaint regulated parties with requirements and limitations.

#### 1. Information Released

Sixty-one press releases on the animal welfare program were issued in fiscal 1982. Program information materials, including a variety of booklets and three short slide presentations were made available. "Animal Care," a periodic update was sent to licensees and registrants.

#### 2. Discussions on Farm Animal Welfare

USDA is monitoring public interest on welfare of farm animals and continues to keep the State and national farm organizations aware of this interest.

#### 3. Public Correspondence

APHIS received inquiries about animal welfare from various areas--direct citizen contact or referral from the President, members of Congress, and other Departments of Government. Inquiries required 1076 personal responses in addition to requests filled by sending documents, lists, regulations, and procedures.

#### 4. Freedom of Information Requests

Regulated persons and humane groups use provisions of the Freedom of Information Act to obtain public documents on animal welfare. In 1982, APHIS received 170 requests, resulting in the release of 7,972 documents--mainly copies of forms, records, inspection reports, and forms used to apply for licenses or registrations.

These records affected 541 persons or organizations; as a matter of policy, APHIS notified them which records were released and which persons requested them. Humane societies accounted for 90 of the requests.

### Enforcement Problems

Problems of enforcing the Animal Welfare Act are listed below. Solutions may call for improved inspection procedures, additional industry self-regulation, amended regulations, better cooperation with other Federal agencies, or a combination of these.

#### 1. Operation of Unlicensed Dealers

When animal dealers surrender their licenses or let them lapse, many continue in business by selling their animals to the retail market which is illegal but difficult to detect.

#### 2. Interference with Inspections

At times, licensees and registrants obstruct or interfere with inspectors. In one such case a dealer was charged with barring access to APHIS inspectors and with wholesaling dogs while his license was suspended because of an earlier violation. He paid a \$500 penalty and agreed to stop dealing without a license.

Another case involved a research facility charged with denying access to inspections on 11 occasions. The facility accepted a cease-and-desist order against future infractions in settlement of the charge.

### Legislative Recommendations

The Department is continuing to analyze problems and concerns related to enforcing the Animal Welfare Act. At this point, no suggestions for amending the act are contemplated.

- - - - -

Table 2.--Animals used in experimentation (FY 1982)

State	Number of reporting facilities	Number of animals							
		Total	Dogs	Cats	Primates	Guinea Pigs	Hamsters	Rabbits	Wild Animals
TOTAL U.S.	1,016	1,576,556	161,396	49,923	46,388	459,246	337,790	453,506	69,043
Alabama	10	17,151	3,636	1,168	216	1,269	6,658	3,697	507
Alaska	0	0	0	0	0	0	0	0	0
Arizona	9	7,287	953	425	67	1,173	1,908	2,281	480
Arkansas	1	1,570	0	117	7	320	292	588	246
California	97	83,615	4,155	2,666	2,081	18,822	5,724	45,246	4,921
Colorado	17	16,021	1,715	635	227	3,752	2,308	7,215	169
Connecticut	12	14,049	1,878	528	133	6,032	1,230	4,145	103
Delaware	6	24,998	805	53	125	3,801	17,172	2,295	747
Florida	27	24,060	3,381	1,299	1,175	2,123	3,230	10,491	2,361
Georgia	6	29,229	1,537	462	2,090	259	21,695	2,877	309
Hawaii	3	3,753	57	370	140	258	2,298	591	39
Idaho	4	701	25	1	0	136	0	239	300
Illinois	52	110,986	11,198	2,017	2,254	28,528	17,625	41,601	7,763
Indiana	14	39,507	7,312	2,427	253	17,997	1,708	9,193	617
Iowa	10	27,578	3,421	1,106	188	4,431	12,585	5,636	211
Kansas	12	29,155	1,475	646	17	5,919	14,534	4,716	1,848
Kentucky	4	6,032	1,244	576	59	669	2,184	1,300	0
Louisiana	10	13,262	2,342	889	3,418	1,601	1,130	2,981	901
Maine	10	5,336	0	3	0	18	173	4,887	255
Maryland	18	34,522	4,246	192	4,296	12,173	6,200	7,280	135
Massachusetts	53	76,731	6,287	1,840	859	8,374	30,317	23,562	5,492
Michigan	35	74,691	8,078	1,561	1,048	30,681	14,501	17,979	843
Minnesota	10	29,669	6,686	1,716	70	8,576	835	8,629	3,157
Mississippi	3	2,728	951	80	76	275	248	975	123
Missouri	22	45,429	7,084	2,336	742	9,478	12,581	12,732	476
Montana	3	1,336	0	400	100	609	33	75	119
Nebraska	7	20,735	1,250	300	45	1,907	14,587	2,646	0
Nevada	1	798	3	16	0	273	45	248	213
New Hampshire	2	1,968	77	488	0	15	809	475	104
New Jersey	41	135,887	10,375	1,277	1,666	54,269	16,933	48,934	2,433
New Mexico	9	5,151	1,736	97	567	784	1,459	443	65
New York	91	157,561	15,086	6,519	3,260	80,008	13,375	33,506	5,807
North Carolina	15	55,460	5,410	1,942	1,684	16,543	16,745	8,948	4,188
North Dakota	3	569	179	54	0	59	39	212	26
Ohio	45	48,417	7,087	1,931	244	16,061	4,380	16,725	1,989
Oklahoma	9	5,628	1,350	496	191	621	221	2,226	523
Oregon	14	7,257	856	261	2,718	1,011	457	1,258	696
Pennsylvania	66	117,863	11,147	4,003	1,903	35,044	24,781	37,904	3,797
Rhode Island	6	3,019	573	1,093	159	727	72	291	104
South Carolina	5	5,247	1,399	245	36	356	1,642	1,347	222
South Dakota	2	1,233	101	20	0	174	764	174	0
Tennessee	10	25,720	4,059	238	522	5,572	8,913	6,333	83
Texas	45	63,012	7,172	1,127	3,941	7,113	12,540	27,389	3,730
Utah	8	7,067	848	460	22	827	264	4,018	628
Vermont	4	2,498	61	31	12	599	277	1,230	348
Virginia	15	28,012	3,331	1,924	2,635	10,064	1,451	7,065	1,542
Washington	12	14,929	1,452	303	82	10,839	220	1,720	313
West Virginia	4	3,018	500	137	21	1,271	329	682	78
Wisconsin	11	14,901	1,668	605	109	1,683	4,319	6,447	70
Wyoming	4	1,005	24	8	0	1	638	45	289
Puerto Rico	4	7,673	342	61	0	124	75	5,164	1,907
District of Columbia	4	2,297	475	834	23	55	66	696	148
Virgin Islands	0	0	0	0	0	0	0	0	0
Federal Agencies	131	120,235	6,369	1,940	6,907	45,972	35,220	16,209	7,618



Table 4.--Animals to which pain relieving drugs were administered to avoid pain or distress (FY 1982)

State	Number of reporting facilities	Number of animals							
		Total	Dogs	Cats	Primates	Guinea Pigs	Hamsters	Rabbits	Wild Animals
TOTAL U.S.	723	465,518	109,491	34,653	16,627	89,956	80,271	116,517	18,003
Alabama	8	10,906	3,537	1,009	148	588	4,189	1,108	327
Alaska	0	0	0	0	0	0	0	0	0
Arizona	7	2,689	650	370	67	688	450	422	42
Arkansas	1	1,570	0	117	7	320	292	588	246
California	60	24,530	3,572	1,730	1,005	2,728	648	10,862	3,985
Colorado	8	5,729	1,407	323	25	513	22	3,437	2
Connecticut	9	3,425	1,183	308	83	754	86	1,010	1
Delaware	5	3,779	299	35	27	3	3,014	261	140
Florida	18	8,801	2,002	824	111	449	1,849	3,433	133
Georgia	4	24,542	1,302	137	506	128	20,743	1,696	30
Hawaii	3	836	41	325	67	14	4	374	11
Idaho	2	182	25	1	0	38	0	45	73
Illinois	35	25,239	7,608	1,216	1,161	5,060	2,254	7,096	844
Indiana	12	11,010	4,874	1,884	39	2,911	428	792	82
Iowa	8	9,535	3,320	1,082	62	1,639	134	3,208	90
Kansas	5	4,245	674	290	6	50	1,468	1,757	0
Kentucky	3	3,542	1,120	352	39	254	1,544	233	0
Louisiana	7	6,332	2,115	754	934	464	981	555	529
Maine	8	395	0	3	0	18	173	196	5
Maryland	12	11,186	3,736	166	17	628	2,156	4,421	62
Massachusetts	39	32,267	5,831	1,755	304	2,540	12,539	7,836	1,462
Michigan	24	19,264	5,729	1,305	359	6,319	2,251	2,769	532
Minnesota	7	13,718	6,042	1,604	34	1,947	3	1,972	2,116
Mississippi	2	2,441	939	76	40	199	248	896	43
Missouri	15	9,967	3,974	639	101	1,133	385	3,534	201
Montana	1	43	0	0	0	0	0	25	18
Nebraska	6	4,452	415	152	45	506	1,910	1,424	0
Nevada	1	90	0	0	0	0	29	6	55
New Hampshire	2	440	12	151	0	0	196	25	56
New Jersey	25	34,229	4,374	752	242	21,709	2,819	3,646	687
New Mexico	6	1,346	355	97	92	690	0	109	3
New York	65	35,311	9,738	4,047	1,446	6,781	3,402	9,017	880
North Carolina	10	13,528	3,823	1,312	423	2,688	1,149	3,413	720
North Dakota	1	320	114	27	0	2	0	153	24
Ohio	36	13,163	5,197	1,530	107	1,872	1,295	3,057	105
Oklahoma	8	3,985	1,303	461	144	220	44	1,742	71
Oregon	10	3,776	672	167	1,230	693	346	637	31
Pennsylvania	43	33,552	6,800	3,215	1,218	10,798	2,230	8,768	523
Rhode Island	5	1,674	385	1,009	20	27	72	147	14
South Carolina	5	1,731	1,138	190	12	48	0	343	0
South Dakota	2	591	56	10	0	77	382	66	0
Tennessee	7	6,788	3,305	199	68	706	345	2,139	26
Texas	33	16,980	4,383	758	2,110	650	1,615	7,429	35
Utah	8	2,177	795	406	18	64	44	650	200
Vermont	3	2,158	59	28	12	594	197	1,168	100
Virginia	10	11,815	1,997	1,490	1,111	2,145	1,171	2,780	1,121
Washington	8	1,688	614	69	37	145	65	660	98
West Virginia	3	471	310	33	0	0	0	124	4
Wisconsin	8	4,753	1,331	307	68	261	864	1,852	70
Wyoming	2	676	24	6	0	1	588	1	56
Puerto Rico	2	1,372	307	46	0	0	0	15	1,004
District of Columbia	3	433	178	112	0	19	24	19	81
Virgin Islands	0	0	0	0	0	0	0	0	0
Federal Agencies	108	31,846	1,826	1,774	3,082	9,875	5,623	8,601	1,065

Table 6.--Number of cases closed (FY 1982)

State	Total closed	By Prosecution	Cases closed without prejudice*	Warning issued	Information Letters
TOTAL U.S.	223	41	60	103	19
Alabama	3	0	3	0	0
Alaska	0	0	0	0	0
Arizona	0	0	0	0	0
Arkansas	0	0	0	0	0
California	17	6	1	8	2
Colorado	5	1	2	0	2
Connecticut	0	0	0	0	0
Delaware	0	0	0	0	0
Florida	5	0	3	2	0
Georgia	8	5	0	0	3
Hawaii	0	0	0	0	0
Idaho	0	0	0	0	0
Illinois	7	0	4	3	0
Indiana	0	0	0	0	0
Iowa	8	2	3	3	0
Kansas	6	1	3	2	0
Kentucky	1	0	0	0	1
Louisiana	6	1	2	2	1
Maine	1	0	1	0	0
Maryland	5	1	2	0	2
Massachusetts	20	4	6	9	1
Michigan	7	0	2	5	0
Minnesota	8	3	2	3	0
Mississippi	1	0	0	1	0
Missouri	46	2	5	39	0
Montana	0	0	0	0	0
Nebraska	5	1	2	2	0
Nevada	0	0	0	0	0
New Hampshire	0	0	0	0	0
New Jersey	10	3	1	6	0
New Mexico	0	0	0	0	0
New York	18	2	9	5	2
North Carolina	1	0	0	1	0
North Dakota	0	0	0	0	0
Ohio	3	2	0	1	0
Oklahoma	1	0	1	0	0
Oregon	1	0	1	0	0
Pennsylvania	2	1	0	1	0
Rhode Island	0	0	0	0	0
South Carolina	0	0	0	0	0
South Dakota	0	0	0	0	0
Tennessee	0	0	0	0	0
Texas	14	2	2	8	2
Utah	3	1	1	1	0
Vermont	0	0	0	0	0
Virginia	3	0	1	0	2
Washington	0	0	0	0	0
West Virginia	0	0	0	0	0
Wisconsin	7	3	3	0	1
Wyoming	0	0	0	0	0
Puerto Rico	1	0	0	1	0
District of Columbia	0	0	0	0	0
Virgin Islands	0	0	0	0	0

\*Includes cases for which further action is not warranted.